

CC NO. 201202821 *Matthew Lazzara* 0189ADDITIONAL ISSUES FOR POST SENTENCE MOTIONS TO THE COURTS

(1) PETITIONERS DUE PROCESS TO A FUNDAMENTAL FAIR TRIAL UNDER THE U.S CONSTITUTION AND THE PENNSYLVANIA CONSTITUTION WAS DENIED WHEN THE TRIAL COURT ERRED FOR LETTING THE DISTRICT ATTORNEY TESTIFY IN FRONT OF THE JURY THAT A WITNESS AT THE PRELIMINARY HEARING WAS SCARED TO TESTIFY UNLESS HIS FAMILY IS SAFE. THIS CLEARLY PREJUDICE PETITIONER SEEING THAT THE WITNESS DID NOT EVEN TESTIFY AT THE PRELIMINARY HEARING AND DID NOT EVEN SHOW UP FOR TRIAL. PETITIONER WAS ALSO DENIED TO CONFRONT THIS ALLEGED WITNESS THAT DISTRICT ATTORNEY TRANQUILITY TESTIFIED ABOUT AND SUCH ACTION VIOLATED PETITIONERS 6TH AMENDMENT RIGHT TO CONFRONT A WITNESS.

(2) PETITIONERS DUE PROCESS TO A FUNDAMENTAL FAIR TRIAL UNDER THE U.S CONSTITUTION AND THE PENNSYLVANIA CONSTITUTION FOR THE TRIAL COURT ERROR FOR FAILING TO GIVE A CAUTIONARY KLOIBER JURY INSTRUCTION TO TAKE SADDAY ROBINSONS IDENTIFICATION TESTIMONY WITH CAUTION SEEING THAT THE TRIAL COURT KNEW THE IDENTIFICATION FROM ROBISON WAS TAINTED BECAUSE SHE ON TWO OCCASIONS FAILED TO IDENTIFY PETITIONER AND THE FACT THAT SHE ACTUALLY PICKED OUT ANOTHER INDIVISUAL AS THE SHOOTER SHOWS THE NEED FOR SUCH A INSTRUCTION.

(3) PETITIONERS DUE PROCESS TO A FUNDAMENTAL FAIR TRIAL UNDER THE U.S CONSTITUTION AND THE PENNSYLVANIA CONSTITUTION FOR THE TRIAL COURT FAILING TO GIVE A CURATIVE JURY INSTRUCTION FOR PETITIONER WHEN THE COURT ALLOWED THE PROSECUTOR TO INTRODUCE TO THE JURY THAT THE FACT THAT PETITIONERS CO-DEFENDANT CRUMBLEY WAS SHOT ON A PRIOR OCCASION AND THAT THE BULLET CASINGS FOUND AT THE SCENE WHEN CRUMBLEY WAS SHOT WAS ALSO THE SAME CASINGS THAT THE VICTIM MATTOX WAS SHOT WITH. ~~AS SUCH~~ THE TRIAL COURT SHOULD OF MADE IT CLEAR TO THE JURY THAT THE SHOOTING INCIDENT IN WHERE CRUMBLEY WAS SHOT AND THE CASINGS AT THAT SCENE SHOULD IN NO WAY BE USED TO INFER THAT MR. EBO WAS AT THAT CRIME SCENE OR THAT AT ONE POINT IN TIME MR. EBO WAS AWARE AND HAD KNOWLEDGE OF THAT WEAPON OR SHOOTING AND THAT YOU CANNOT HOLD MR. EBO ACCOUNTABLE ~~FOR~~ THAT AND TRIAL COURTS FAILURE TO DO SO PREJUDICE PETITIONER.

PA 96
RECORDSRAISE POST VERDICT MOTIONS IN THE FOLLOWING WAY TO PRESERVE

(1) THE PETITIONER WAS DENIED A FAIR AND FUNDAMENTAL TRIAL WHEN THE TRIAL COURT PERMITTED THE TAINTED IDENTIFICATION OF SADDAY ROBISON.

(2) PETITIONERS DUE PROCESS WAS DENIED BECAUSE THE EVIDENCE OF FIRST DEGREE MURDER WAS INSUFFICIENT AS A MATTER OF LAW TO SUSTAIN A CONVICTION.

(3) THE CONVICTION OF FIRST DEGREE MURDER CANNOT STAND AS THE VERDICT WAS AGAINST THE WEIGHT OF THE EVIDENCE AS THE TAINTED IDENTIFICATION OF SADDAY ROBISON CLEARLY SHOCKS THE HUMAN MIND.

(4) PETITIONERS 5TH AND 14TH AMENDMENT AND DUE PROCESS FOR THE PROSECUTOR FAILURE TO TIMELY TURNOVER EXONERATORY EVIDENCE INCLUDING THE CRITICAL IDENTIFICATION PROCEDURES AND PHOTO ARRAYS IN WHICH PETITIONER WAS NOT IDENTIFIED.

(5) PETITIONERS DUE PROCESS AND A RIGHT TO A FUNDAMENTAL FAIR TRIAL WHEN THE COMMONWEALTH WAS ERRONEOUSLY PERMITTED TO INTRODUCE TAINTED PHOTO IDENTIFICATIONS OF DEFENDANT AS THE SHOOTER.

MRS. JESSICA HERNDON ESQ.

3/21/13

HOW ARE YOU DOING? I AM WRITING TO LET YOU KNOW THAT I AM GOING TO THE LAW LIBRARY EVERY DAY AND I AM ALSO REMEMBERING THINGS THAT I THINK THE TRIAL COURT ERRED IN HER RULINGS. BUT THE MAIN THING IS THAT WHAT EVER YOU RAISE AND ALSO WHAT I WANT RAISED I WOULD LIKE YOU TO RAISE IT IN SUCH A WAY TO PRESERVE THE ISSUES FOR THE FEDERAL COURTS JUST IN CASE THE STATE COURTS DO NOT GRANT ME RELIEF. ENCLOSED IN THIS LETTER ARE SOME ISSUES I WANT YOU TO RAISE IN THE POST SENTENCE MOTIONS SEEING THAT THE TRIAL COURT GRANTED THE NOUN PRO TUNC AS YOU KNOW MEANS AS OF RIGHT NOW AND WHEN YOU GET TO REVIEW MY CASE I CLEARLY SURE THAT YOU WILL AGREE WITH ME ON THE ADDITIONAL ISSUES. I KNOW ON DIRECT APPEAL THE POST VERDICT AND POST SENTENCE MOTIONS ON APPEAL CAN BE RAISED SO I WOULD LIKE YOU TO SUPPLEMENT THE FOLLOWING ISSUES IN YOUR POST SENTENCE MOTION THAT YOU FILE. MOPEOVER I AM SENDING THE JUDGE AND THE CLERK OF COURTS THIS LETTER TO COVER MY SELF FOR FUTURE COURTS TO SHOW THAT I USED DUE DILLIGENCE TO PRESERVE THESE ISSUES.

MATTHEW EBO

